

Jan D. Sokol, OSB #780873  
jdsokol@lawssl.com  
STEWART SOKOL & LARKIN LLC  
2300 SW First Avenue, Suite 200  
Portland, OR 97201-5047  
Telephone: (503) 221-0699  
Facsimile: (503) 223-5706

*Attorneys for Plaintiff Hudson Insurance Company*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

HUDSON INSURANCE COMPANY, a  
Delaware corporation,

Plaintiff,

v.

VOLANTE MOTORS, LLC, an Oregon limited liability company; VINCENT MCKOWEN, an individual; UNITED FINANCE CO., an Oregon corporation; UNITED AUTO CREDIT CORPORATION, a California corporation; CIG FINANCIAL, LLC, a California limited liability company; LOBEL FINANCIAL CORPORATION, a California corporation; and TRAILHEAD FEDERAL CREDIT UNION, an Oregon corporation,

Defendants.

Case No. 3:18-cv-00622-MO

Plaintiff Hudson Insurance Company's

**MOTION FOR ENTRY OF DEFAULT  
JUDGMENT AGAINST DEFENDANTS  
VOLANTE MOTORS, LLC AND  
VINCENT MCKOWEN**

Pursuant to Fed. R. Civ. P. 55(b)

**LR 7-1(a) CERTIFICATION**

Pursuant to Local Rule 7-1(a), the undersigned counsel certifies that he is unable to confer with the opposing parties, Defendants Volante Motors, LLC ("Volante") and Vincent McKowen ("McKowen"), to resolve the issues in this motion because Volante and McKowen have not appeared in this action and have been defaulted.

///

## **MOTION**

Pursuant to Fed. R. of Civ. P. 55(b), Plaintiff Hudson Insurance Company (“Hudson”) requests that entry of judgment by default be entered against Volante and McKowen on Hudson’s Second Claim for Relief for Breach of Indemnity Agreement. This motion is supported by the record on file, and the Declaration of Jan D. Sokol submitted herewith.

## **SUPPORTING MEMORANDUM**

The Court entered an Order of Default against Volante and McKowen on June 1, 2018 (Dkt. 24). Pursuant to Fed. R. Civ. P. 55(b), the clerk may enter a default judgment:

If the plaintiff’s claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff’s request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.

Fed. R. Civ. P. 55(b)(1).

Hudson is entitled to the entry of Default Judgment against Volante and McKowen. Hudson’s claim against Volante and McKowen is based upon a contract and is for a sum certain or a sum that can be made certain by computation. Specifically, Hudson’s claim is for \$12,926.78, which is the total amount that the Court ordered be withdrawn and distributed to the claimant-defendants on July 12, 2018 (Dkt. 39). Hudson is entitled to the entry of judgment against Volante and McKowen in the principal amount of \$12,926.78, together with pre-judgment and post-judgment interest at the statutory rate until paid in full, and reasonably attorneys’ fees and costs in a sum to be determined pursuant to Fed. R. Civ. P. 54(d).

///

///

## CONCLUSION

The Court should enter a default judgment against Volante and McKowen in the principal amount of \$12,926.78.

DATED this 13th day of July, 2018.

STEWART SOKOL & LARKIN LLC

By: s/ Jan D. Sokol

Jan D. Sokol, OSB #780873

jdsokol@lawssl.com

*Attorneys for Plaintiff Hudson Ins. Co.*

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANTS VOLANTE MOTORS, LLC AND VINCENT**

**MCKOWEN** on:

Mr. Ron Green  
Lobel Financial Corporation  
1150 N. Magnolia Avenue  
Anaheim, CA 92801-2604  
Email: rgreen@lobelfinancial.com  
*Senior Counsel and Authorized Agent  
for Defendant Lobel Financial  
Corporation*

Mr. Peter C. McCord  
Scarborough McNeese Oelke & Kilkenny PC  
5 Centerpointe Drive, Suite 240  
Lake Oswego, OR 97035  
Email: pcm@smoklaw.com  
*Attorneys for Trailhead Federal Credit Union*

by the following indicated method or methods:

- ☒ by **mailing** a full, true and correct copy thereof in a sealed, first-class postage-paid envelope, and addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Portland, Oregon on the date set forth below.
- ☒ by **e-filing** a full, true and correct copy thereof to the attorney, as shown above, at the electronic mail address reflected on the court's CM/ECF system, on the date set forth below.

DATED this 13th day of July, 2018.

STEWART SOKOL & LARKIN LLC

By: s/ Jan D. Sokol  
Jan D. Sokol, OSB #780873  
jdsokol@lawssl.com  
*Attorneys for Plaintiff Hudson Insurance  
Company*